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September 12, 2013

**VIA ECF**

Honorable Magistrate Judge Robert M. Levy  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: *Silverman & Silverman, LLP v. Pacifica Foundation*  
Case No. : CV 11 1894 (FB)(RML)  
LBC&C File No. : 12 169L 96421

Honorable Magistrate Levy:

We write as counsel for plaintiff Silverman & Silverman, LLP ("Silverman") on the counterclaims, and in response to the September 4, 2013 letter from defendant/counterclaim plaintiff Pacifica Foundation's ("Pacifica") counsel. We believe that Pacifica's letter is woefully insufficient and lacks any specifics as to what will be happening with this litigation going forward. Thus, we propose the following.

As the Court is aware, during our last conference call, we discussed that our office had agreed to go to California to take all four of the witnesses' depositions from Pacifica. Yet, since we are the ones who are undertaking this burden, we need to schedule our hotel and flight, and do not want to have to do such at the last minute due to the expense that will create. Accordingly, we would first request that the Court require Pacifica to provide, by September 18, 2013, a list of at least four options for two consecutive days of depositions that all of their witnesses will be available in either October and November, 2013. Once they provide those, counsel can work together to confirm which ones we choose and then make our travel arrangements. We would also request that if Pacifica does not comply by September 18, that it be sanctioned, on a daily basis, until the order is satisfied. We also suggest that the Court schedule another telephonic conference for the week of September 23, 2013, so that we can discuss additional future discovery dates.

Respectfully submitted,

SCOTT E. KOSSOVE

SEK:lg

cc: (Via ECF)

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